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March 6, 2024

VIA ECF

Hon. Margaret M. Garnett
United States District Court Southern District of New York
40 Foley Square, Courtroom 906
New York, New York 10007

Re: ***Mt. Hawley Insurance Company v. Smith and Company***
1:23-cv-10809

Dear Judge Garnett,

We are co-counsel for Plaintiff Mt. Hawley Insurance Company ("Mt. Hawley") in the above matter. This letter is being submitted jointly on behalf of Mt. Hawley and defendant Smith and Company pursuant to Rule I.B.5 of Your Honor's Individual Rules & Practices, in order to request an adjournment of: (i) the Initial Pretrial Conference, scheduled for March 14, 2024; and (ii) the deadline to submit a proposed Civil Case Management Plan and Scheduling Order, currently scheduled for March 8, 2024. This is the parties' first request for an adjournment.

This matter was previously assigned to Judge Torres. In accordance with Judge Torres' Order dated January 9, 2024, counsel for the parties met and conferred for the purpose of discussing a proposed case management plan. We jointly write to advise the Court that each party intends to file a pre-discovery motion under Rule 12 and/or other grounds. Each party's anticipated motion would potentially be dispositive of this case. Accordingly, the parties jointly request that Your Honor stay the Initial Conference and submission of a Civil Case Management Plan and Scheduling Order pending the outcome of the parties' respective motions.

With Your Honor's permission and approval, the parties will confer upon a proposed briefing schedule on their respective motions and submit a proposed scheduling order for the Court's consideration.

Respectfully submitted,

/s/ Joseph D'Ambrosio

cc: Michael Prough, Esq.
Yas-Banoo Omid, Esq.
Howard Shafer, Esq.

Application GRANTED. The Initial Pretrial Conference and the deadline to submit a joint status letter and Civil Case Management Plan and Scheduling order are both hereby adjourned *sine die*. The parties are hereby ORDERED to submit a proposed briefing schedule for the anticipated pre-discovery motions **within 30 days of the date of this Order**.

SO ORDERED. Dated March 6, 2024.

HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE